

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C13
Serial No.: 09/992,643 Group Art Unit: 1646
Filing Date: November 14, 2001 Examiner: Kemmerer, Elizabeth
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**

EXPRESS MAIL LABEL NO. EL 993 688 641 US

Date Mailed: June 25, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

06/30/2004 JBALINAM 00000154 081641 09992643

01 FC:1806

180.00 DA

- ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39780-2730P1C13).

Respectfully submitted,

Dated: June 25, 2004

By: Daphne Reddy
Daphne Reddy, Ph.D.
Reg. No. 53,507

HELLER EHRMAN WHITE & McAULIFFE LLP
Customer No. 35489
275 Middlefield Road
Menlo Park, CA 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO.: 39780-2730P1C13		SERIAL NO.: 09/992,643		
			APPLICANT : Avi Ashkenazi, et al.				
			FILING DATE: November 14, 2001		GROUP: 1646		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	GenBank, Accession No.: P_AAX87264, WO 9935170-A2, Pub Date: July 15, 1999, Botstein, D. et al.						
	GenBank, Accession No.: P_AAZ65021, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
	GenBank, Accession No.: P_AAF44167, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J. et al.						
	GenBank, Accession No.: P_AAA46930, WO 200037640-A2, Pub Date: June 29, 2000, Botstein, D. et al.						
	GenBank, Accession No.: P_AAC77349, WO 200058473-A2, Pub Date: October 5, 2000, Shimkets, R.A. et al.						
	GenBank, Accession No.: P_AAF93858, EP 1067182-A2, Pub Date: January 10, 2001, Ota, T. et al.						
	GenBank, Accession No.: AX136307, EP 1067182-A, Pub Date: January 10, 2001, Ota, T. et al.						
	GenBank, Accession No.: AF143676, J. Cell Biol., 146 (1), pp. 29-44, 1999, Rolls, M.M. et al.						
	Dayhoff, Accession No.: P_AAB65207, WO 200073454-A1, Pub Date: December 7, 2000, Ashkenazi, A.J. et al.						
	Dayhoff, Accession No.: P_AAY66684, WO 9963088-A2, Pub Date: December 9, 1999, Baker, K. et al.						
	Dayhoff, Accession No.: P_AAY93694, WO 200037640-A2, Pub Date: June 29, 2000, Botstein, D. et al.						
	Dayhoff, Accession No.: P_AAY06487, WO 9935170-A2, Pub Date: July 15, 1999, Botstein D. et al.						
	Dayhoff, Accession No.: P_AAB88431, EP 1067182-A2, Pub Date: January 10, 2001, Ota, T. et al.						
	Dayhoff, Accession No.: P_AAB43140, WO 200058473-A2, Pub Date: October 5, 2000, Shimkets, R.A. et al.						
	Dayhoff, Accession No.: CAC39795.1, EP 1067182-A2, Pub Date: January 10, 2001, Ota, T. et al.						
	Dayhoff, Accession No.: AAD45885.1, Direct Submission, Submitted: April 16, 1999, Rolls, M.M. et al.						
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO.: 39780-2730P1C13		SERIAL NO.: 09/992,643		
			APPLICANT : Avi Ashkenazi, et al.				
			FILING DATE: November 14, 2001		GROUP: 1646		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Hanna, J.S., et al., "HER-2/neu Breast Cancer Predictive Testing", Oathology Associates Medical Laboratories, August (1999).						
	Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", <i>Cancer Research</i> 62 6240-6245, November (2002).						
	Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular & Cellular Proteomics</i> 1:37-45, (2002).						
	Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).						
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.